

Message Text

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PAGE 01 ROME 04771 142111Z
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E.O. 11652: N/A
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SUBJECT: "DEFENSE WORKS" QUESTION

REF: OICC MADRID 061430Z DEC 77

1. THE GOVERNMENT OF ITALY APPEARS TO HAVE OPTED FOR STRICT CONSTRUCTION IN THE DEFINITION OF WHAT CONSTITUTES "DEFENSE WORKS". THE LATEST, AND NEGATIVE, WORD ON THIS ISSUE WAS CONTAINED IN A FOREIGN MINISTRY NOTE OF FEBRUARY 23, 1978 RESPONDING TO THE EMBASSY'S NOTE NO. 695 OF NOVEMBER 22, 1977. THE MINISTRY NOTE MENTIONS THE MIXED COMMISSION DISCUSSION OF THE ISSUE IN DECEMBER OF LAST YEAR, AND REITERATES THAT THE PROVISIONS OF LAW 765 WIL CONTINUE TO BE APPLIED TO ALL MILITARY CONSTRUCTION PROJECTS (ITALIAN AND US) WHICH ARE CONSIDERED "COMPLEMENTARY" TO NATIONAL AND ALLIED DEFENSE EFFORTS. "COMPLEMENTARY" DEFENSE WORKS, AS READERS ARE AWARE, INCLUDE ALMOST EVERYTHING THAT IS NOT BUNKERS,
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PAGE 02 ROME 04771 142111Z

FORTIFICATIONS OR GUN EMPLACEMENTS.

2. FOR YOUR INFORMATION, THE RELEVANT TWO PARAGRAPHS OF THE ITALIAN NOTE FOLLOW IN INFORMAL EMBASSY TRANSLATION. BEGIN QUOTE. THE PROBLEM OF DEFINING AS "DEFENSE WORKS" ALL THE INFRASTRUCTURES BUILT BY THE UNITED STATES GOVERNMENT UNDER THE AEGIS OF

THE WELL-KNOWN BI-LATERAL INFRASTRUCTURE AGREEMENT WAS THE SUBJECT OF DISCUSSION WITH THE ITALIAN MILITARY AUTHORITIES. THE LATTER REITERATED WHAT HAD ALREADY BEEN MENTIONED DURING RECENT DISCUSSIONS WITH U.S. DELEGATIONS WITH RESPECT TO THE APPLICATION OF THE PROVISIONS OF ARTICLE 10 OF LAW 765 OF AUGUST, 1967.

WITH THE ENTRY INTO FORCE OF THOSE PROVISIONS, THE MINISTRY OF DEFENSE REQUESTS IN EACH CASE THE PRIOR AUTHORIZATION OF THE MINISTRY OF PUBLIC WORKS AND OF THE OTHER APPROPRIATE (LOCAL) ADMINISTRATIONS WHEN THE MINISTRY OF DEFENSE PLANS TO CONSTRUCT WORKS WHICH CANNOT BE CONSIDERED TO BE STRICTLY TIED TO THE (NATIONAL) DEFENSE, BUT WHICH ARE ONLY COMPLEMENTARY TO IT. THE ITALIAN SIDE THEREFORE TRUSTS THAT THE AMERICAN AUTHORITIES WILL UNDERSTAND THAT THE PROVISIONS OF THE AFOREMENTIONED LAW CANNOT BUT BE APPLIED ALSO TO THE INFRASTRUCTURAL WORKS BUILT BY THE US ARMED FORCES. END QUOTE.

3. THE GOI RESPONSE TO OUR REQUEST FOR ASSISTANCE IN MEETING THE REQUIREMENTS OF LAW 1089 (DEALING WITH CONSTRUCTION NORMS FOR REINFORCED CONCRETE), HOWEVER, WAS A BIT MORE FORTHCOMING. THE ITALIAN MILITARY, LIMITED OFFICIAL USE

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PAGE 03 ROME 04771 142111Z

THE NOTE STATED, AR OPEN TO CONSIDERING THE EMPLOYMENT OF THEIR OWN MILITARY ENGINEERS TO CONDUCT STATIC LOAD TESTS FOR US BUILDINGS CONSTRUCTED BY NAVY SEABEES.

4. COMMENT. THE ITALIAN MOD'S DECISION TO STICK TO THE LAW'S LETTER IN DEFINING WHAT IS AND IS NOT A "DEFENSE WORK" IS DISAPPOINTING. HOWEVER, WE BELIEVE THAT WE MIGHT PERSUADE THE MOD TO WIDEN ITS DEFINITION OF "DEFENSE WORKS" TO INCLUDE SOME PROJECTS WHOSE PRIMARY PURPOSE IS IMPROVEMENT OF MORALE IN SOME CASES WHERE ACCEPTABLE EUPHEMISTIC DESCRIPTIONS ARE POSSIBLE. GARDNER

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